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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,186	03/16/2004	Steven A. Klein	977.061US1	5135
21186	7590	11/23/2005		
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH 1600 TCF TOWER 121 SOUTH EIGHT STREET MINNEAPOLIS, MN 55402			EXAMINER SCHNEIDER, JOSHUA D	
			ART UNIT 2182	PAPER NUMBER

DATE MAILED: 11/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/801,186	Applicant(s) KLEIN, STEVEN A.	
	Examiner Joshua D. Schneider	Art Unit 2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 11/7/2005 have been fully considered but they are not persuasive. Applicant has argued that the inherent teaching of emulation of networked remote ports as local port is not present in McAlear. It was explained in the previous rejection that though McAlear does not explicitly state this limitation, it is inherent to the networking taught by McAlear. Emulation in a computer system is the process of a device imitating the function of another device. Networked devices act through the use of network software as if they are locally attached (see *How Networks Work*, Derfler, page 82). Thus the network connected USB devices of McAlear are emulated as though they are connected to locally connected USB ports. A computer using a network card then is using a driver to couple to the remote server (see *How Computers Work*, White, pages 28-31), to emulate the connection of remote ports as if they were locally attached. Accordingly, this argument is not persuasive. No other independent arguments have been presented at this time.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1, 2, 4-9, 11-15, and 17-21 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,389,029 to McAlear.

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4. With regards to claims 1, 6-8, 12-14, and 18-21, McAlear teaches a remote computerized server having one or more Universal Serial Bus (USB) ports (end hubs, composite end hubs, and other LAN computers, column 19, line 6, through column 20, line 34); and a host computer having a driver communicatively coupling the host computer to the remote computerized sever (column 20, lines 11-34), wherein the driver emulates the one or more USB ports of the remote computerized server by emulating a corresponding local USB port for each of the one or more USB ports of the remote computerized server (drivers for the network adapter and USB are inherent to network communications and USB devices, as is the loading of these drivers, and emulation of remote ports as being local is inherent, by definition, to networking, column 19, line 6, through column 20, line 34), and exchanges data with the remote computerized system driver to emulate one or more of the remote computerized system's USB ports as USB ports local to the host computer (drivers for the network adapter and USB are inherent to network communications and USB devices, emulation of remote ports as being local is inherent, by definition, to networking, column 19, line 6, through column 20, line 34).
5. With regards to claim 5, and further regards to claims 7, 8, 12, 14, and 18, McAlear teaches the remote computerized server has a driver executing thereon, operable to communicate data between at least one of its one or more USB ports and the host computer via the network (driver for the network adapter is inherent to network communications).
6. With regards to claims 2, 9, and 15, McAlear teaches the host computer and remote computerized server are connected via a TCP/IP connection (column 24, lines 32-44, and column 25, lines 44-62).

7. With regards to claims 4, 11, and 17, McAlear teaches the host computer driver further comprises an application programming interface (API), by which an application program executing on the host computer is panted control of at least one USB port of a remote computerized server, as if the USB ports of the remote computerized server were local to the host computer (column 2, lines 21-30).

*Claim Rejections - 35 USC § 103*

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3, 10, and 16 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,389,029 to McAlear.

10. With regards to claims 3, 10, and 16, McAlear fails to explicitly teach the host computer and remote computerized server are connected via a secure connection. However, it is notoriously well known in the art that secure connections are desired to maintain device integrity. SSL is one notoriously well known tool used over network to provide data security. It would have been obvious to one of ordinary skill in the art at the time of invention to use a secure connection protocol, such as SSL, with the networked USB devices of McAlear in order to maintain device integrity.

*Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. How Computer Work, by Ron White, teaches the use of device drivers in computers to allow network cards to attach to networks.

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

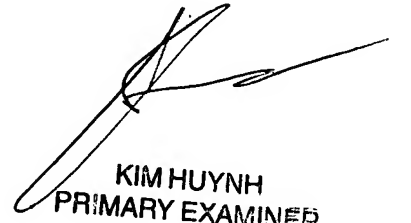
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D. Schneider whose telephone number is (571) 272-4158. The examiner can normally be reached on M-F, 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JDS

  
KIM HUYNH  
PRIMARY EXAMINER  
11/18/05